

**FINDING OF EMERGENCY
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT**

**REGARDING THE CALIFORNIA MECHANICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4**

The adoption of these regulations or order of repeal is necessary for the immediate preservation of the public peace, health and safety, or general welfare, as follows:

These regulations are being submitted pursuant to SB 1659 (Chapter 678, Statute of 2006), which mandates that the Office of Statewide Health Planning and Development (OSHPD) propose amendments to Title 24, California Mechanical Code to facilitate the construction of toilet rooms that are accessible to persons with disabilities in hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Additionally, this statute mandates that the California Building Standards Commission deem the proposed regulations, as emergency regulations, and adopt them as such.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Section 130021.5(a). The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Section 130021.5(a). The Office of Statewide Health Planning and Development is proposing this regulatory action based on Health and Safety Code Section 130021.5(a).

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Health and Safety Code Sections 129675 through 130070 authorizes the Office to provide plan review and construction observation for hospitals, skilled nursing facilities and intermediate care facilities in order to assure that these health facilities are compliant with the California Building Standards Code. Section 129850 specifically authorizes the Office to develop regulations to effectively carry out the mandate of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

Health and Safety Code Section 130021.5(a), enacted by SB 1659 (Chapter 678, Statutes of 2006), mandates that the Office propose amendments to the California Mechanical Code that will facilitate the construction of toilet rooms which are accessible to persons with disabilities in hospitals and skilled nursing facilities. The California Building Standards Commission must deem the regulations as emergency regulations and adopt them as such. This statute is effective January 1, 2007, and will be repealed on January 1, 2008.

Summary of Existing Regulations

Currently, the 2001 California Mechanical Code (CMC) Section 407.4.1.3 prohibits the use of corridors to convey supply, return or exhaust air to or from any room of a hospital, skilled nursing facility, licensed clinic or correctional treatment center. There is an exception to this requirement which does allow air from corridors to serve small rooms less than 30 square feet that are mechanically exhausted with access directly to a corridor. These small rooms are identified as toilet rooms, bathrooms, and janitor's closet.

Summary of Effect

The proposed regulations will amend 2001 CMC Section 407.4.1.3 to specify that corridors which are required to be of fire-resistive construction cannot be used to convey air to or from any room in the health facility. Additionally, Section 407.4.1.3, Exception No.1 is being amended and will allow air from corridors to serve toilet rooms up to 50 square feet and small rooms of 30 square feet or less (janitor's closets, housekeeping rooms, electrical or telephone closets) which are mechanically exhaust and that open directly onto corridors. The current provision allows this for only small rooms up to 30 square feet; however, toilet rooms must be accessible to persons of disabilities are larger than 30 square feet. The amendment will comply with Title 24 accessibility requirements. The ventilation requirements are not being changed.

Amendments to Section 602.1, which were intended to be the same as the requirements in Section 407.4.1.3, are being deleted, and replaced with a reference to Section 407.4.1.3.

The proposed regulations will result in construction cost savings of up to \$2,500 per toilet room and minor savings in annual energy costs.

Comparable Federal Statute or Regulations

There are no federal statutes or regulations that are comparable to these proposed regulations.

Policy Statement Overview

OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. The proposed amendments to the CMC will implement the requirements of SB 1659 (Chapter 678, Statute of 2006). This legislation added Health and Safety Code 130021.5 (a) which requires that OSHPD propose regulations to the CMC that will facilitate the construction of toilet rooms that are accessible to persons with disabilities in health facilities.

MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

Pursuant to Health and Safety Code Section 130021.5(a), the proposed regulations are to be deemed as emergency regulations and adopted by the California Building Standards Commission as such.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Office of Statewide Health Planning and Development has determined that the proposed regulatory action will not impose a mandate on local agencies or school districts.

FISCAL IMPACT STATEMENT(attached Form 399)

- A. Cost or Savings to any state agency: **Yes**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **No**

- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **Yes**
- E. Cost or savings in federal funding to the state: **No**

Estimate: The amendment to CMC Section 407.4.1.3 that will permit air from the fire-resistive corridors to serve toilet rooms up to 50 square feet would be a cost savings for hospitals, skilled nursing facilities, licensed clinics and correction treatment centers. The savings would be up to \$2,900 per toilet room as the initial air duct and outlet material, fire/smoke damper, installation, air balancing, etc. would not be required pursuant to this amendment. Energy costs would also be reduced on average approximately \$75.00 per year per toilet room.